

Application No. 10/563,949
Amendment dated July 1, 2009
Reply to Office Action dated April 2, 2009

Docket No. Y05Y013

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 3. This sheet, which includes FIG. 3, replaces the original sheet including FIG. 3. In FIG. 3, reference characters and arrows showing the directions of forces have been added to clarify the subject matter associated with claim 10, as suggested by the Primary Examiner during our telephone interview.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Claims 1 and 3-10 are currently pending in the present application. Applicant would again like to thank the Examiner and the Primary Examiner for their consideration of the case during the recent telephone interview on June 24, 2009.

I. Substance of Telephone Interview of June 24, 2009

Applicant hereby provides a written record of the substance of the interview, as follows:

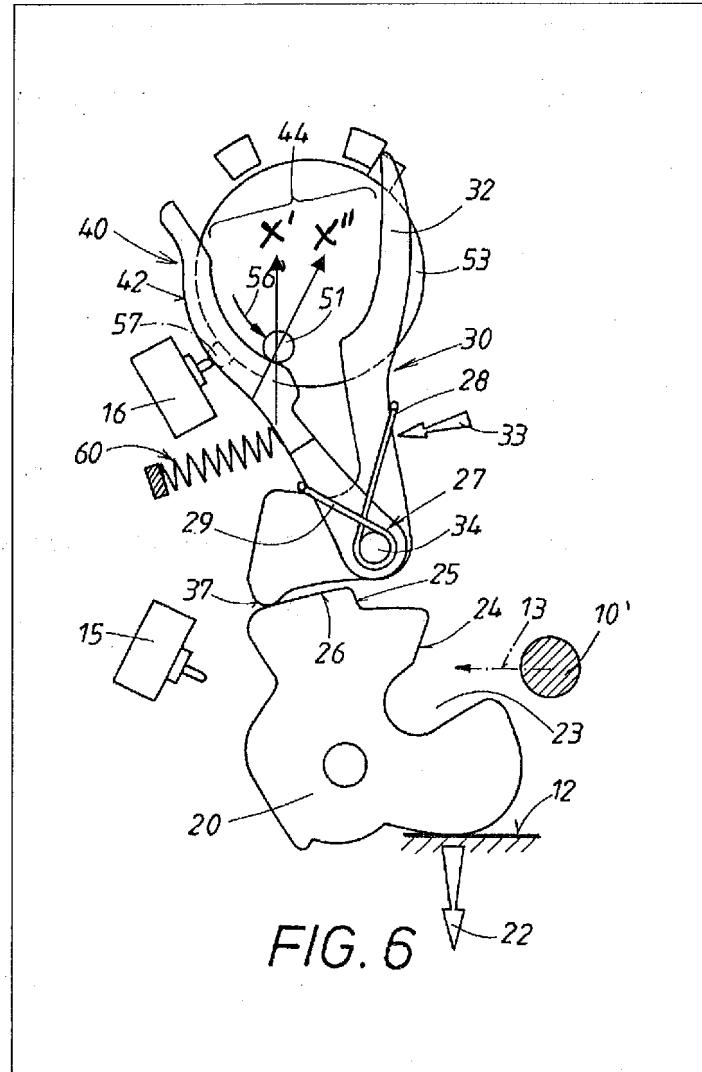
(a) In the most recent Office Action, the Examiner stated that U.S. Pat. No. 5,020,838 (hereinafter “Fukumoto”) discloses an electric motor 7 causing a rotation of the drive disk in a reverse direction, as recited in Applicant’s claim 1. Applicant argued that the electric motor 7 in Fukumoto does not cause such a rotation. Rather, the lines in Fukumoto’s specification cited by the Examiner (Col. 3, lines 28-36) describe that the electric motor 7 gets turned off, and an accumulated elastic force in the return spring 6 causes the rotation in the reverse direction. The Examiner stated that she would need to re-consider this issue.

(b) Applicant argued that a cam as recited in Applicant’s claim 1 is typically known in the art as an eccentric or multiply curved wheel mounted on a rotating shaft, for producing variable or reciprocating motion (as commonly defined, for example, at Dictionary.com). To further distinguish the cam 4 in the present invention from those disclosed in Fukumoto and U.S. Pat. No. 6,435,573 (hereinafter “Szablewski”), Applicant proposed amending claim 1 to clarify the cam’s features, such as reciting “ . . . a front-sided cam for causing a reciprocating motion of the at least one operating lever, the cam having an irregular-shaped wheel and an end portion located about a cam rotational axis coincident with a drive disk rotational axis (as supported by FIGS. 1-4 and the movement of the operating lever 3 shown by the diagram in FIG. 5).

The Primary Examiner, Carlos Lugo, indicated that such an amendment would overcome the present rejections (although future rejections may still be made). Accordingly, Applicant has amended claim 1 as recited above.

(c) Applicant argued that in the present invention, no lateral forces X are imparted on the operating lever 3 by the spring F as the device reaches its opening position as shown in FIG. 3 as amended. Thus, this opening position as shown in FIG. 3 can be reached and maintained “with a minimum of force” (paragraph [0035], lines 9-12). The motor drive could even be switched off while maintaining this position (see paragraph [0018]). Then, the spring F causes the operating lever 3 to return to its “starting” position of FIG. 4. These features are essential to the present invention, which requires a simple, cost-effective solution for the reliable opening of the locking mechanism, without requiring additional levers, springs, etc. and which uses a minimum of required components (see paragraph [0011]).

In the most recent Office Action, the Examiner stated that this subject matter of claim 10 is disclosed in Szablewski. Applicant argued that Szablewski differs from the present invention in that the curved inner surface of storage lever or arm 40 clearly produces a range of lateral forces such as X' and X'' on the tappet 51, in order to cause the storage lever 40 to move and load energy into spring 60 (column 7, lines 24-32). Thus, Szablewski does not show a counterforce from the spring 28 on the tappet 51 causing a setting and maintaining of the opening position.



The Primary Examiner suggested that we clarify claim 10 by adding a functional recitation to the counterforce element, and that we should incorporate our explanatory drawing from our previous amendment of January 14, 2009 accompanying a Request for Continued Examination into the present application. Accordingly, Applicant has amended FIG. 3 and the specification to include that explanatory drawing, and has also amended claim 10 to include the functional recitation of "... wherein said counterforce generated by the spring causes the cam to engage the at least one operating lever to set and maintain the opening position of the drive disk".

The amendments to the drawing and the specification are minor changes for clarification,

and the above recitation is supported at paragraphs [0017]-[0018] and at amended paragraph [0035] of the present specification. Thus, no new matter has been added.

The Primary Examiner said that this issue would also need to be re-considered.

II. Claim Objections

The Examiner stated that (a) the reference characters should be removed from the claims and (b) the phrase “the operating lever” should be changed to “the at least one operating lever” in accordance with line 3 of claim 1. Applicant has amended all of the appropriate claims accordingly. The reconsideration and withdrawal of these objections are respectfully requested.

III. Claim Rejections -- 35 U.S.C. § 102(b)

Claims 1, 4-6, and 9 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Fukumoto. Furthermore, Claims 1, and 3-10 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Szablewski. These bases for rejections are respectfully traversed.

As stated in section (b) above, Applicant has amended claim 1 to distinguish the cam features from those in Fukumoto and Szablewski, which the Examiners stated would overcome the present rejections.

Also as stated in section (a) above, Applicant believes the Fukumoto does not disclose the subject matter of claim 1 relating to an electric motor causing a rotation of the drive disk in a reverse direction. The Examiners stated that this issue would require re-consideration.

As stated in section (c) above, Applicant believes that Szablewski does not disclose the subject matter of claim 10 relating to the setting and maintaining of the opening position by the

counterforce generated by the spring. The Examiners stated that this issue would also re-consideration.

For all of the above stated reasons, newly amended Claim 1 patentably distinguishes over any combination of the cited references. Claims 3-10 ultimately depend from and include all of the subject matter of Claim 1, which has been shown to be allowable. Also, newly amended claim 10 has been shown to be allowable in itself over Szablewski. Accordingly, Claims 3-10 are also allowable over any combination of the cited references.

IV. Conclusion

Having fully addressed the Examiner's rejection of all of the presently pending Claims 1 and 3-10, Applicant respectfully submits that the reasons for the Examiner's rejections have been overcome. Applicant requests that the amendments be entered and a Notice of Allowance be issued.

No fees are believed to be due at this time. However, if any fees are believed to be necessary, the Commissioner is hereby authorized to charge such fees to **Deposit Account No. 502270**, or credit any overpayments thereto.

Should there by any questions or other matters of which resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the Applicant's undersigned attorney at the number listed below. All correspondence should be directed to our below listed address.

Respectfully submitted,

DATED: July 1, 2009

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